

Applicant : Craig J. Simonds et al.  
Appln. No. : 10/695,717  
Page : 7

### REMARKS

By way of this amendment, claims 1, 3, 9-15 and 17-27 are amended for purposes of clarifying the claimed invention. Claims 1-27 remain pending in the present application. Reconsideration and allowance of the application is respectfully requested.

In the present Office Action, claims 1-8, 10-19, 21-25 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by COMDEX, Mercedes-Benz article. Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants note that the Mercedes-Benz article cited by Applicants briefly discusses a car presented at the COMDEX convention, and is dated November 12, 2001. The present application claims the benefit of U.S. Provisional Application No. 60/425,526, filed on November 12, 2002, which discloses the invention claimed in the present application. To the extent the provisional application discloses subject matter of each claim, which Applicants believe it does, the COMDEX, Mercedes-Benz article does not qualify as prior art under 35 U.S.C. §102(b) since such publication, to the extent it was published on the date recited, was not more than one year prior to the priority date of the present application. Applicants further reserve the right to file an affidavit or declaration under 35 U.S.C. §1.131 to antedate the COMDEX, Mercedes-Benz article, to the extent necessary.

The COMDEX, Mercedes-Benz article briefly discusses a research car debuting at the COMDEX convention for the computer and electronics industry. The COMDEX, Mercedes-Benz article refers to a drive-by infofueling prototype in a sedan fitted with a special broadband telematics systems that allows wireless data to be transmitted. The drive-by infofueling prototype relies on short bursts of data as the vehicle drives by high-bandwidth transceivers along the roadside. Such data may include digital video, music, maps, traffic reports and photos. The concept generally referred to in the COMDEX, Mercedes-Benz article transmits many megabytes of data at highway speeds during each drive by. However, COMDEX, Mercedes-Benz article does not provide information on how the prototype system operates or is implemented, and therefore fails to provide an enabling disclosure of the basic

Applicant : Craig J. Simonds et al.  
Appln. No. : 10/695,717  
Page : 8

concepts briefly mentioned. Moreover, the COMDEX, Mercedes-Benz article fails to teach or suggest Applicants' claimed invention as discussed below.

Applicants' invention, as recited in claim 1, as amended, is directed to a system for providing remote data to a vehicle. The system includes an off-board data source remote from a vehicle. The system also includes a compute platform for accessing the data source to acquire information and generate a stream of data as a function of time and relative location. The stream of data contains information having a variable resolution that varies based on at least one of the time and relative location. The system further includes a data communication link for communicating data between the off-board data source and the vehicle. The stream of data is supplied to the vehicle for use on-board the vehicle. Claim 13 further includes a distribution station remote from the vehicle and in data communication with the off-board data source, the distribution station comprising a transceiver for communicating with the vehicle, and the compute platform generates the stream of data as a function of time and distance to a location. Applicants' claimed invention further recites a method of supplying data from an off-board data supplier to an on-board device on a vehicle, which likewise includes receiving a request for data from the vehicle, determining location of the vehicle, determining a time reading, and supplying data to the vehicle as a function of the time and the relative location or distance to a location.

In order to anticipate a claim, the prior art reference must teach each and every limitation of the claim. Nowhere does the COMDEX, Mercedes-Benz article disclose a system for providing remote data to a vehicle having an off-board data source, a data communication link, and a compute platform for accessing the data source to acquire information and generate a stream of data as a function of time and relative location, or as a function of time and distance to a location, wherein the stream of data contains information having a variable resolution that varies based on one of the time and relative location, as recited in the claims. Instead, the COMDEX, Mercedes-Benz article merely suggests that a short burst of data can be transmit via dedicated short-range communications from transceivers at strategic locations along a roadway. The data disclosed in the COMDEX, Mercedes-Benz article includes digital

Applicant : Craig J. Simonds et al.  
Appln. No. : 10/695,717  
Page : 9

video, music, maps, traffic information, and other general information. Nowhere, does the COMDEX, Mercedes-Benz article access and acquire information and generate a stream of data as a function of time and relative location or distance to a location, nor does the COMDEX, Mercedes-Benz article discuss generating data having a variable resolution, as claimed.

It should be appreciated that Applicants' invention advantageously provides space and time-related (spatial temporal) information on-board the vehicle such that updated time and location-based information is readily made available on-board the vehicle. The information advantageously has a variable resolution. Because Applicants' system advantageously combines time-based information services with spatial location-based services, the type and amount of information supplied to and stored on-board the vehicle can depend on the type of information requested, location of the user and the time relevance of the information.

Accordingly, the COMDEX, Mercedes-Benz article fails to teach each and every limitation of Applicants' claimed invention, as recited in independent claims 1, 13, 17 and 23, as amended, and the rejection of claims 1-8, 10-19, 21-25 and 27 under 35 U.S.C. §102(b) as being anticipated by COMDEX, Mercedes-Benz article should therefore be withdrawn, which action is respectfully solicited.

Applicants would like to further point out that the COMDEX, Mercedes-Benz article makes no mention whatsoever of a stream of data being determined as a function of travel distance from a location of the vehicle as recited in claim 10, or a stream of data containing information having a variable resolution based on both time and relative location as recited in claim 11, or a transceiver located at an engine fueling station as recited in claim 12. These and other claims recite additional features that are not disclosed, taught or otherwise suggested in the COMDEX, Mercedes-Benz article.

Claims 9, 20 and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over COMDEX, Mercedes-Benz article. Applicants submit that claims 9, 20 and 26 should be allowable for the reasons set forth above with respect to the rejection of claims 1, 17 and 23, from which these claims depend, respectively. Applicants further note that the COMDEX,

Applicant : Craig J. Simonds et al.  
Appln. No. : 10/695,717  
Page : 10

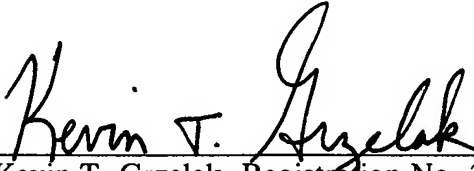
Mercedes-Benz article fails to teach or even suggest a data storage device that purges data as a function of time in a system or method for providing remote data to a vehicle as recited in Applicants' claims. Accordingly, rejection of claims 9, 20 and 26 under 35 U.S.C. §103(a) should likewise be withdrawn, which action is respectfully solicited.

By way of the foregoing remarks, Applicants have demonstrated that claims 1-27, as amended, are not anticipated by the COMDEX, Mercedes-Benz article, and would not have been rendered obvious in view of the COMDEX, Mercedes-Benz article, and the rejection of claims 1-27 under 35 U.S.C. §102(b) and §103(a) should therefore be withdrawn, which action is respectfully solicited.

In view of the above amendments, it is submitted that claims 1-27, as amended, define patentable subject matter and are in condition for allowance, which action is respectfully solicited. If the Examiner has any questions regarding patentability of any of the claims, the Examiner is encouraged to contact Applicants' undersigned attorney at the Examiner's convenience.

Respectfully submitted,

October 25, 2005  
Date

  
Kevin T. Grzelak, Registration No. 35 169  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
(616) 949-9610

KTG/jrb